REMARKS

The Examiner's action dated November 13, 2009, has been received, and its contents carefully noted.

In order to advance prosecution, claims 5, 6 and 9 have been cancelled.

Claim 1 has been amended to more specifically define the embodiment previously recited in claim 5, by specifying that the inflatable portion has parts for fitting the leg and ankle and sole portions of the foot. Claim 1, as amended, further specifies that the shape of the inflatable portion and the arrangement of the inflatable tubes assures that when the inflatable portion is inflated it takes up the shape of the body parts as defined earlier in the claim.

Claim 1 has been further amended to clarify that the gas pressure source device is connected to the inflatable tubes.

The rejection of claims 1, 5, 9, 12, 14, 15, 19, 20, 22 and 23 as anticipated by a newly cited reference to Nicoll is respectfully traversed for the reason that the splint now defined in claim 1 is not disclosed in the applied reference.

Nicoll discloses an inflatable splint constituted by a planar sheet having a main panel 20, a flap panel 23 and a foot supporting panel 24. However, this splint is configured such that, when being inflated it still remains a planar sheet, which, when placed around a leg portion must be fastened, otherwise it would not engage the leg portion and would fall from the leg portion. This is because all of the welded seams 33 are arranged along a longitudinal axis of the splint, thus inflatable tubular portions 34 between the welded seams all extend along the same axis.

In contrast, the present invention provides a splint device, the configuration of which is aimed at providing "a multi

purpose splint that will be appropriate for the treatment of a wide range of conditions, such as fractures and sprains and post-operative support, prevent bedsores and allow inspection of various wounds. It provides a handy solution for the temporary support of an injured limb in field conditions while transporting a patient, for example, can also be used as a long term cast or bandage in the full course of treatment and may give postoperative support." Substitute specification, page 2, second full paragraph.

As indicated in the present application, the splint is designed to fit the shape and structure of the body part (specification, page 2, last paragraph and page 5, first full paragraph) such that the splint, when inflated, takes up the shape of the part of the body for which it was designed as shown particularly in FIGS. 2 and 3 and described in the specification at page 5, fourth paragraph. FIG. 3 is a cross section of the splint as it is assembled on a leg and clearly shows "that the splint is designed to fit the structure of the body part (the leg 59, in this example) and its joints". Specification, page 5, first full paragraph.

The specification states, as illustrated in the figures;

"Parts 24, 25, 26, 40, 41 contain inflatable tubes. These tubes are designed to wrap the leg, the foot the ankle and the heel of the injured, taking into account the leg's curves and structure for maximum compatibility." Specification, page 4, fourth paragraph.

FIGS. 1 and 3 clearly illustrate that such adjustment of the splint design to a leg portion to be treated is because of **apertures in the splint device between the ankle and sole portions 40 and 41 of a foot part, and thus defining inflatable tube-like portion 40 extending traverse to the portions 24, 25, 26 and 41.**

Although the present discussion is directed to the embodiment previously defined in Claim 5, relating to a splint

designed for a leg portion, it is clear from the description in the present application that the invention is directed to splints configured (geometry of the splint defining apertures therein, as well as a pattern of inflatable tubular portions) in accordance with a specific body portion. In this connection, reference is made to the following part of the specification relating to the second embodiment for use on the arm portion: "**The principles guiding the structure of this embodiment are similar to those of the first embodiment**; it differs from the first only to fit the structure and the treatment of a human arm." Specification, page 5, second full paragraph.

As further described in the present application, **the main body of the splint is divided into integral parts for supporting different parts of the body part**. To this end, the splint is formed with appropriately provided aperture(s). Specification, page 5, third full paragraph.

In order to clearly define the contribution of the invention over the newly cited reference, claim 1 has been amended to include the following limitations:

- an inflatable portion is structured **to fit a shape and structure of a body part composed of a leg having a curvature, a foot, an ankle and a heel;**
- **the inflatable portion comprises integrally made parts, which include leg parts for holding left and right sides of the leg, a part for wrapping a back of the leg, and a foot part for wrapping ankle and sole portions of the foot,** to cover the body part from three sides, leaving one side uncovered,
- **the shape of the inflatable portion defines apertures between the ankle and sole portions of the foot part,**

- **the shape of the inflatable portion and arrangement of inflatable tubes within the integrally made parts is such that the inflatable portion, when inflated, takes up the shape of said body part to provide maximum compatibility and prevent pressure on the heel**;

Thus, the amendments to Claim 1 include *inter alia* the subject matter of Claim 5, which claim is therefore cancelled.

The rejections of claims 2, 7-8, 13, 16-17, 18 and 21 under 35 U.S.C. 103 (a) are also traversed, at least for the reason that these claims depend from amended claim 1 and should be considered allowable along therewith.

The rejection of claim 21 is specifically traversed for the following reasons, which are reproduced from the Remarks of the amendment filed on July 6, 2009.

Claim 21 further distinguishes over the prior, as represented by the applied references, by it recitation of "comprising ventilation holes for skin ventilation contained in, and extending through, the non-inflatable parts". This is the one feature for which the rejection placed reliance on the Dye patent. However this feature is not disclosed in that reference.

With regard to this feature the examiner appears to rely on the disclosure in Dye of holes 44. However, the explanation of the rejection does not appear to take any account of the fact that the holes 44 of Dye are provided only in inflatable parts of the compression sleeve. Thus, while pressurized air is being supplied to the inflatable parts of the compression sleeve, it is continually escaping through holes 44, with the result that the patient is tethered to the pressurized air source.

The ventilation holes in a splint according to the present invention are in non-inflatable parts of the splint, so that they do not affect the air pressure in the inflatable parts and

allow a circulation of air between the area outside the splint and the patient's skin.

It follows that one cannot reasonable equate holes 44 of Dye to the claimed ventilation holes.

The examiner's assertion that the provision of ventilation holes in noninflatable parts would be obvious in view of the Dye disclosure of holes in the inflatable parts lacks any reasonable justification.

Of course, the holes in the noninflatable parts provides the benefit described in support of the rejection. However, the fact that a novel feature offers an advantage is not, by itself, evidence of obviousness. A bare assertion of obviousness based on the fact the feature is beneficial is insufficient to support the rejection. Rather, what is required is a reasoned explanation, based on knowledge existing in the art prior to the date of this invention, demonstrating a motivation to modify the reference device.

It is believed appropriate to point out that the holes of Dye are provided for a purpose, and perform a function, unrelated to those of the present invention. There is simply no evidence of any prior art knowledge of providing ventilating hole in an inflatable splint and Dye does not provide any suggestion of relocating the holes of Dye to noninflatable parts, where they could no longer perform their intended function.

The holes according to the present invention allow circulation of air between the patient's skin and regions outside the splint. The holes of Dye cannot do this.

In view of the foregoing, it is requested that all of the rejections presented in the action be reconsidered and withdrawn, that the pending claims be allowed and that the application be found in substantively allowable condition.

Respectfully submitted,

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